

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Marian L. McKee *et al.*

Serial No. 08/837,459

Filed: April 18, 1997

For: *Histidine-tagged Intimin and  
Methods of Using Intimin to  
Stimulate an Immune Response  
and as an Antigen Carrier with  
Targeting Capability*



Group Art Unit: 1641

Examiner: V. Portner

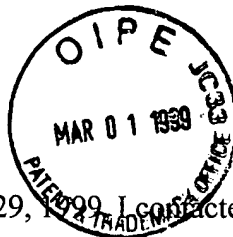
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

DECLARATION OF CHRISTINA KELLEY

I, Christina Kelley, declare as follows:

1. I am currently the Research Librarian at Finnegan, Henderson, Farabow, Garrett and Dunner, L.L.P. I have been employed in this capacity since September, 1991.
2. In my professional capacity, I was asked to verify the date on which a thesis by Marian Little McKee was publically available.
3. Dr. McKee's thesis was published by University Microfilms International (UMI), 300 North Zeeb Road, P.O. Box 1346, Ann Arbor, Michigan 48106-1346. UMI publishes and archives dissertations and theses, sells copies on demand, and maintains a bibliographic record for over 1.4 million doctoral dissertations and master's theses (<http://www.umi.com>).



4. On or about January 29, 1999, I contacted Beverly Hayes at UMI, telephone number (800) 521-0600, ext. 2150. She said that Marian Little McKee's thesis "Adherence of Enterohemorrhagic *Escherichia coli* to Human Epithelial Cells: The Role of Intimin" was made publicly available in mid-November 1995.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

By: Christina Kelley  
Christina Kelley

Dated: 2-4-99